

**MINUTES OF THE LAFAYETTE COMMON COUNCIL  
AUGUST 2, 1999  
REGULAR SESSION**

The Common Council of the City of Lafayette, Indiana met in Regular Session on Monday, August 2, 1999, at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Probasco called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were:

Present: Boehning, Meyer, Phillips, Campbell, Brown, Rhoda, Fisher, Smith, Probasco

Absent: None

The Clerk stated that there was a quorum present.

City Clerk Lisa Decker and City Attorney Eric Burns were present.

Councilman Campbell moved to recess for public hearings on Ordinance 99-27, Ordinance 99-28, and Ordinance 99-29, Councilman Fisher seconded. The motion was accepted by unanimous voice vote. The Clerk read the title of each ordinance and there was no public comment. Councilman Campbell moved to reconvene the regular meeting, Councilman Meyer seconded. The motion was approved by unanimous voice vote.

Councilman Boehning moved to approve the Minutes of the July 12, 1999 regular meeting, Councilman Brown seconded. The minutes were approved by unanimous voice vote.

The Clerk stated that there were no Presentations or Disposal of Claims or Presentations of Petitions or Communications.

The Clerk stated that the following reports are available in the Clerk's Office:

Clerk's Office Monthly Report-- June 1999

Motor Vehicle Report -- May 1999

Police Traffic Report -- May 1999

Police Department Monthly Reports - May and June 1999

Miscellaneous Monthly Department Reports

***Ordinances for Second Reading:***

The Clerk read Ordinance 99-26 (An Ordinance Approving a Lease Amendment Between Lafayette Redevelopment Authority and Lafayette Redevelopment Commission) by title only for second and final reading. Councilman Rhoda moved for passage, Councilman Boehning seconded. Councilman Meyer stated that he had been reluctant but had supported the Ordinance on the first reading but has since spoken to the neighbors and he now does not support the proposal. Councilman Meyer stated that he does trust that the administration will uphold their commitment but cannot support this facility in the neighborhood. Councilman Phillips expressed her concern about the project. Councilman Brown expressed his concern about the project. Don Ferris, property owner of 20 S. 8<sup>th</sup> Street and 407/409 S. 8<sup>th</sup> Street, which is a one house historic district, spoke in opposition to the project. Liz Rausch, 642 New York Street, spoke in opposition to the proposal. Councilman Campbell asked Bob Carpenter, President of the Southside Neighborhood Improvement Coalition, to comment

on the proposal. Mr. Carpenter stated that he does not like the project, but is willing to work with the administration to help create a better facility. Councilman Rhoda made a motion to table the proposal until time uncertain. Mayor Heath stated that there has always been fuel on this property and that the property has been dramatically upgraded over the past 3 years. Mayor Heath stated that the city owns the property and it is available for use for this purpose. Mayor Heath stated that the city needs to move forward and he stated that purchasing property may be too costly to consider. Councilman Rhoda withdrew his motion to table the Ordinance. Councilman Fisher stated that there has been a process to come up with this proposal and spoke in favor of the proposal. Councilman Smith stated that there is not a workable alternative to this proposal. Councilman Phillips stated that she felt that all alternatives have not been explored. Councilman Campbell asked about the property at SR 25 and US 52. Mayor Heath commented on the merits of the project. Councilman Smith asked if traffic was a concern from the neighbors. Mayor Heath stated that the increased traffic would be from public safety vehicles. Councilman Boehning stated that fueling is being conducted at this location now and this proposal will greatly improve the appearance of the property. Sherry McLauchlan, Community Development Director, stated that there are access, traffic and well-head protection problems with the SR 25/US 52 property. Ordinance 99-26 passed 5-4 on a roll call vote with the vote being as follows:

Ayes: Boehning, Rhoda, Fisher, Smith, Probasco  
Nays: Meyer, Phillips, Campbell, Brown

The Clerk read Ordinance 99-27 (An Ordinance to Vacate a Water and Utility Easement on Lots 2 and 3 in Diamant Subdivision of the City of Lafayette, Fairfield Township, Tippecanoe County, Indiana, Aegean Management, LLP, Petitioner) by title only for second and final reading. Councilman Meyer moved for passage, Councilman Boehning seconded. Dan Teder, representing the petitioner, stated that he was available for questions. Ordinance 99-27 passed 8-0 on a roll call vote.

The Clerk read Ordinance 99-28 (An Ordinance to Vacate a Utilities and Drainage Easement on Lot 9 in Triton Commercial Subdivision of the City of Lafayette, Wea Township, Tippecanoe County, Indiana, Alan D. White, Petitioner) by title only for second and final reading. Councilman Campbell moved for passage, Councilman Phillips seconded. Dan Teder, representing the petitioner, stated that he was available for questions. Ordinance 99-28 passed 8-0 on a roll call vote.

The Clerk read Ordinance 99-29 (An Ordinance to Vacate a Utilities and Drainage Easement on Lot 10 in Triton Commercial Subdivision of the City of Lafayette, Wea Township, Tippecanoe County, Indiana, R. Michael O'Malley and Alan D. White, Petitioners) by title only for second and final reading. Councilman Fisher moved for passage, Councilman Smith seconded. Ordinance 99-29 passed 8-0 on a roll call vote.

### ***Ordinances for First Reading:***

The Clerk read Ordinance 99-30 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain Real Estate from R3 to PDRS, Bruce Gunstra Builders, Inc, Southaven Planned Development, Petitioner) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Phillips seconded. Tom McCully, representing the petitioner, explained the proposal. Councilman Fisher inquired about the owner of the project. Councilman Meyer inquired about the density of the project and expressed concern about the impact of increased traffic on South 18<sup>th</sup> Street. Mr. McCully explained the 2 access points to the subdivision. Mr. McCully further explained the project. Councilman Meyer stated that it is time to re-evaluate traffic on 18<sup>th</sup> Street. President Probasco made several comments on the necessity to evaluate traffic in the area. Councilman Meyer asked about the location of the access on 18<sup>th</sup> Street. Ordinance 99-30 passed 8-0 on a roll call vote.

### ***Resolutions:***

Councilman Smith moved to take Resolution 99-18 (A Resolution Creating the Animal Control Commission) off of the table, Councilman Campbell seconded. The motion passed by unanimous voice vote. Councilman Fisher moved for passage, Councilman Phillips seconded. Councilman Phillips inquired about the purpose of

the Commission. President Probasco explained that this would create an oversight board for animal control throughout Tippecanoe County. Councilman Boehning stated that West Lafayette has already approved the resolution. President Probasco stated that the Tippecanoe County Commissioners must also adopt the proposal. Resolution 99-18 passed 8-0 on a roll call vote.

The Clerk read Resolution 99-22 (A Resolution Recognizing the Need for a New Federal Income Tax Credit to Encourage the Rehabilitation of Older Buildings for Homeownership in the City of Lafayette, Indiana, and Urging Adoption by the United States Congress of the "Historic Homeownership Assistance Act of 1999" - H.R. 1172 and S. 664) by title only for first and final reading. Councilman Phillips moved for passage, Councilman Smith seconded. Councilman Phillips stated that this is one more tool for the city to help revitalize older neighborhoods. Councilman Meyer stated that this would provide incentive for homeowners to revitalize their property. Councilman Smith spoke in favor of the proposal. Councilman Brown spoke in support of the proposal. Resolution 99-22 passed 8-0 on a roll call vote.

The Clerk read Resolution 99-23 (A Resolution Ratifying and Approving the Designation of an Economic Revitalization Area for Tax Abatement, Scharer, LLC, Petitioner) by title only for first and final reading. Councilman Boehning moved for passage, Councilman Brown seconded. Councilman Campbell moved to amend the resolution to lower the length of time for the tax abatement from 10 years to 6 years, Councilman Rhoda seconded. Councilman Boehning spoke in favor of the amendment. Councilman Smith spoke in favor of the amendment. James Morog, representing Scharer LLC, distributed a handout to council members and explained the request for a ten-year abatement. Peggy Clary, 420 S. Tinkler Street, spoke in opposition to the proposal. Councilman Boehning asked Ms. McLauchlan about the criteria that the Redevelopment Commission used to recommend a 10 year tax abatement. Ms. McLauchlan explained the process. Councilman Phillips asked about the estimated tax impact between the 10 year and 6 year time frames. Ms. McLauchlan stated that she would have to look at the tax phase-in table to answer accurately. Amendment passed 7-1 on a roll call vote with the vote being as follows:

Ayes: Boehning, Meyer, Phillips, Campbell, Rhoda, Fisher, Smith  
Nays: Brown

Resolution 99-23, as amended, passed 6-2 on a roll call vote with the vote being as follows:

Ayes: Boehning, Meyer, Phillips, Rhoda, Fisher, Smith  
Nays: Campbell, Brown

Councilman Meyer moved to set a public hearing on Resolution 99-23 for 7:01 p.m. on Monday, September 13, 1999, Councilman Smith seconded. The motion passed by unanimous voice vote.

The Clerk read Resolution 99-24 (A Resolution Ratifying and Approving the Designation of an Economic Revitalization Area for Tax Abatement, Warehouse Leasing Company) by title only for first and final reading. Councilman Campbell moved for passage, Councilman Fisher seconded. Councilman Fisher spoke in favor of the proposal. Mark Castell, representing the petitioner, explained the proposal. Mike Brooks, Greater Lafayette Progress, spoke in favor of the proposal. Resolution 99-24 passed 8-0 on a roll call vote.

Councilman Campbell moved to set a public hearing on the Resolution 99-24 for 7:02 p.m. on Monday, September 13, 1999, Councilman Meyer seconded. The motion passed by unanimous voice vote. There were no Reports of Standing Committees or Reports of Special Committees.

Report by Mayor Heath: Mayor Heath introduced Brad Talley, the new Wastewater Treatment Plant Superintendent, who came from West Lafayette. Councilman Campbell inquired about Senator Alting's wife's health. Mayor Heath stated that she is doing well and has a positive outlook about her re-occurrence of cancer. Mr. Campbell asked that everyone keep her in their prayers.

Miscellaneous and New Business: President Probasco stated that the budget would be heard on first reading on September 8, 1999, the public hearing would be September 13, 1999, and the final reading would be September 29, 1999. Councilman Meyer moved to set the budget schedule, Councilman Fisher seconded. The motion passed by unanimous voice vote.

President Probasco stated that there would be a budget review with all city Department Heads on August 11, 1999 at 1:00 p.m. at City Hall.

Reports of Councilmen: Councilman Rhoda stated that the Columbian Park Neighborhood Association has a meeting on Monday, August 9, 1999 at 6:30 p.m. at Rush Pavilion to discuss neighborhood revitalization.

Councilman Smith asked Vicki Mayes, Park Superintendent, for an update on the status of Vinton Pool. Ms. Mayes stated that by mid-August there should be two or three concept design plans for Vinton Pool and a public meeting will be held to discuss the plans.

President Probasco stated that the Lafayette Police Department's Citizen Police Academy starts in August and he encouraged participation. Councilman Brown also encouraged participation in the program.

President Probasco inquired about Beck Lane and 9<sup>th</sup> Street yellow curb markings. Opal Kuhl, City Engineer, stated that she would look into the markings.

Councilman Meyer inquired about the letter that he received concerning a safety issue on Platte Drive. Eric Burns, City Attorney, stated that he would continue to look into this situation. Mr. Gitzen, 1800 Platte Drive, encouraged council to help with the situation to correctly mark addresses on Platte Drive. Councilman Fisher expressed his concern about the situation.

Public Comment: Mary Corbin Davis, 1209 Wabash Avenue, distributed signed petitions regarding the closing of Smith Street and made several comments regarding the closing.

Kent Schuette, 604 Wyandotte Avenue, stated that the Pearl River runs under the property where the fueling station is being considered.

Kathy Shedd, 2440 Oxford Street, thanked Council and Mayor Heath for their help in getting the pond fenced in Twyckenham.

There being no further business to come before the Council, Councilman Campbell moved to adjourn, Councilman Fisher seconded. The motion to adjourn passed by unanimous voice vote. Time being 8:35 p.m.

Minutes prepared by Lisa Decker, City Clerk.

*A tape recording of this council meeting is maintained in the City Clerk's Office.*

